

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SCOTT W. HELFINSTINE,	:	Case No. 1:18-cv-679
Plaintiff,	:	
	:	
vs.	:	District Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
	:	
MR. LAWLESS, <i>et al.</i> ,	:	
Defendants.	:	

ORDER ADOPTING THE REPORT AND RECOMMENDATION

This civil case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to the reference, the Magistrate Judge reviewed the relevant pleadings and, on August 29, 2019, submitted a Report and Recommendation, recommending that Defendants' motion for judgment on the pleadings be granted and Plaintiff's complaint be dismissed with prejudice. (Doc. 37). No objections have been filed and the time for doing so has now passed.

As required pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter. Upon consideration of the foregoing, the Court determines that the Report and Recommendation (Doc. 37) should be, and is hereby, adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 37) is **ADOPTED**;
2. Defendants' motion for judgment on the pleadings (Doc. 14) is **GRANTED**;
3. Plaintiff's complaint (Doc. 3) is **DISMISSED with prejudice**;

4. Plaintiff's pending motions (Docs. 26, 27, 28, 33, 35, 36) are **DENIED as moot**;
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court; and
6. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith and, therefore, this Court **DENIES** Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 9/17/2019

s/ Timothy S. Black
Timothy S. Black
United States District Judge